

REMARKS

Applicants' representative would like to Examiner Hayes for his time with the various telephone discussions regarding the present application and suggested claim amendments. Claims 1-39, 53, 56, 57, 62-68 and 70 have been cancelled. Claims 40-45, 47-52 and 54-55 are allowed. Claims 46, 58-61 and 69 are amended herein. The amendments to claims 46, 58-61 and 69 are largely made per the suggestions of the Examiner or to otherwise overcome issues raised in the Office Action. No new issues are raised for consideration by these amendments; as such entry and consideration thereof are respectfully requested.

Objections to the claims

Claim 61 has been objected to for depending on a rejected base claim. Per the suggestion of the Examiner, claim 61 has been amended to be in independent form. Withdrawal of the objection is therefore respectfully requested.

Rejections under 35 U.S.C. §112, 1st paragraph (written description)

Claims 21, 23, 30-34, 46, 53, 57, 64-67 and 70 have been rejected under 35 U.S.C. §112, 1st paragraph for lack of written

description. Claims 21, 23, 30-34, 53, 57, 64-67 and 70 have been cancelled, thus rendering this rejection moot.

Claim 46 has been specifically rejected with the assertion that the specification only describes the use of specific pairs of primers. Claim 46 has been amended per the suggestion of the Examiner to recite, "using the primer pairs consisting of SEQ ID NOS: 5 and 6 or SEQ ID NOS: 7 and 8, respectively". Withdrawal of the rejection as to claim 46 is therefore respectfully requested.

Rejections under 35 U.S.C. §112, 1st paragraph (enablement)

Claims 21, 23, 30-32, 46, 53, 57-60, 62-65 and 66-70 have been rejected under 35 U.S.C. §112, 1st paragraph for lack of enablement. Claims 21, 23, 30-32, 53, 57, 62-68 and 70 have been cancelled, thus rendering the rejection moot with regard to these claims. The rejection as directed to pending claims 46, 58-60, and 69 is addressed herein.

Claims 58-60 have been amended per the suggestion of the Examiner to recite, "T-BCD541 gene consisting of SEQ ID NO:22..."

The Examiner suggests that claim 69 be amended to recite, "the Survival Motor Neuron gene which consists of SEQ ID NO:22."

However, claim 69 does not contain the indicated language, which the Examiner discussed in the Office Action. Claim 69 has been amended to recite, "wherein exon 7 ~~comprises~~ consists of nucleotides 340 to 401 of SEQ ID NO: 13, and exon 8 ~~comprises~~ consists of nucleotides 846 to 1408 of SEQ NO: 13." Applicants believe that this amendment addresses and overcomes the issue raised by the Examiner.

Rejections under 35 U.S.C. §112, 2nd paragraph

Claims 30, 32, 56 and 63 have been rejected under 35 U.S.C. §112, 2nd paragraph as being unclear. Claims 23, 30, 32, 56 and 63 have been cancelled, thus rendering the rejections of these claims moot.

Rejections under 35 U.S.C. §102(b)

Claims 53 and 23 have been rejected under 35 U.S.C. §102(b) as being anticipated by the Stratagene catalogue. Claims 23 and 53 have been cancelled, thus obviating this rejection.

Advisory Action of January 24, 2005

In the Advisory Action issued on January 24, 2005, the Examiner indicated that the amendments of October 19, 2004 were

not been entered because new issues were raised regarding claims 56, 63 and 68.

The Advisory Action further states that claims 40-45, 47, 49-52, 54 and 55 are allowed and that claim 61 is objected to. The Examiner further indicates that claims 21, 23, 30-34, 46, 48, 53, 56-60 and 62-70 remain rejected.

However, the inclusion of claims 46, 58-61 and 69 in the list of rejected claims appears to be a reflection of the amendment of October 19, 2004 not being entered. In this regard, the Examiner further states in Item 4 of the Advisory Action that claims 46, 58-61 and 69 would be allowable if submitted with a timely response, canceling the rejected claims. Claims 56, 61-62 and 68 are cancelled with the present amendment. As such, entry of the remaining amendments to the claims and allowance thereof are respectfully requested.

As it is believed that the above amendments address and overcome the rejections of the Examiner. Withdrawal of the rejections is respectfully requested.

Applicants believe the above amendments and remarks address the issues discussed during the interview. If the Examiner has any questions or would like to discuss the application further


he is invited to please contact MaryAnne Armstrong, PhD (Reg. No. 40,069) at (703) 205-8000.

Applicants request a five (5) month extension of time for filing the present response, one month has been previously paid for on October 19, 2004. The required fee is attached hereto.

If necessary, the Commissioner is hereby authorized, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

Attached hereto is(are) twenty (20) sheet(s) of Corrected Formal Drawings that comply with the provisions of 37 C.F.R. § 1.84. The Corrected Formal Drawings incorporate the following drawing changes as noted in the PTO-948 Form, paper number 18.

It is respectfully requested that the Corrected Formal Drawings be approved and made a part of the record of the above-identified application.